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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,239	09/07/2006	Masayoshi Son	285303US2X PCT	1684
22850	7590	09/18/2008	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				MITCHELL, DANIEL D
ART UNIT		PAPER NUMBER		
2619				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/566,239	SON, MASAYOSHI	
	Examiner	Art Unit	
	DANIEL MITCHELL	2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 1/30/2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-11 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 1/30/2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1.) Certified copies of the priority documents have been received.
 2.) Certified copies of the priority documents have been received in Application No. _____.
 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/25/2006</u> . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-8, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schessel (U.S. Patent No. 7,184,430 B2), hereinafter referred as Schessel in view of Bartholomew et al. (U.S. Patent No. 292,479 B1).

Regarding claim 1, Schessel discloses a **fig. 5B** gateway device **element 32** placed on the site of a phone switching station, comprising: a communication line to be connected to a telephone equipment placed on the site of a subscriber **col. 5 line unit – subscriber line unit** (teaches a subscriber line unit of an element to communicate with a calling party through a communication line); **col. 5 lines 43-67** (teaches an element that can generate the identification of a calling party and an identifier of the called party when a signal is received from the calling party) an identifier generation unit operable to generate a caller identifier for identifying said telephone equipment and an intended recipient identifier for identifying a communication equipment of the intended recipient of said telephone equipment on the basis of a control signal from said telephone equipment; **col. 5 lines 55-57** (teaches a processor that is able to convert signals into packet signals and PSTN network signals) a conversion unit operable to convert voice signals of said voice communication into packet signals and vice versa; and **col. 5 lines**

55-67 (teaches a switching network that is capable of transmitting and receiving signals on the basis of the calling party and the called party identifiers)a packet transmitter receiver unit operable to transmit and receive said packet signals on the basis of said caller identifier and said intended recipient identifier.

However Schessel does not expressly disclose a voice communication unit operable to perform voice communication with said telephone equipment through said communication line.

Bartholomew discloses **col. 9 lines 49-57** a gateway device that is able to perform telephony functions including speech functions.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Schessel to include a gateway with a voice communication unit. One would be motivated as such in order to transmit voice calls through diverse network - **abstract**.

Regarding claim 2, Schessel discloses **col. 5 lines 35-67** (teaches a signal that is received from a PSTN network will not be converted into a packet signal unless the called party identifier identifies the called party as packet device) further comprising: a determination unit operable in order that said voice signals are output to a subscriber line exchange without conversion into packet signals depending upon said intended recipient identifier.

Regarding claim 3, Schessel discloses **col. 5 lines 35-67** (teaches a features and administration database is searched using the calling party and the called party

identifier in order to complete the connection through the appropriate network) wherein said determination unit is provided with a subscriber database for registering a default communication network and a communication network to be connected respectively for said subscribers in association with said intended recipient identifier, and searches said subscriber database on the basis of said intended recipient identifier in order to select a communication network to be connected on the basis of the search result.

Regarding claims 4, 6, and 7, these system claims are for the apparatus claims 1-3. Therefore, the claims have been analyzed and rejected based on the apparatus claims of claims 1-3, respectively.

Regarding claims 8, 10, and 11, these method claims are for the apparatus claims 1-3. Therefore, the claims have been analyzed and rejected based on the apparatus claims of claims 1-3, respectively.

Claim Rejections - 35 USC § 103

3. **Claims 5 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schessel and Bartholomew in further view of Bossemeyer, Jr. *et al.* (U.S. Patent No. 6,285,671 B1), hereinafter referred as Bossemeyer.

Regarding claim 5, Schessel and Bartholomew disclose a voice conversation system as to the parent claim. **However Schessel does not expressly disclose comprising an access multiplexer operable to transmit and receive the digital signals separated as packet signals from signals which are transmitted and received through said communication line.**

Bossemeyer discloses **col. 4 lines 49-67 digital subscriber line access multiplexer** (DSLAM) that is able to transmit and receive digital signals that have been separated.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Schessel to include an access multiplexer. One would be motivated as such in order utilize higher data capacity over a communication line that supports analog and digital data **col. 2 lines 15-28.**

Regarding claim 9, see similar rejection as claim 5.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL MITCHELL whose telephone number is (571)270-5307. The examiner can normally be reached on Monday - Friday 8:00 am - 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shah G. Chirag can be reached on 571-272-3144. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. M./
Examiner, Art Unit 2619
/Chirag G Shah/
Supervisory Patent Examiner, Art Unit 2619